

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF JANUARY 27, 2004.

ATTENDANCE

COUNCIL: Randy Menard - District 9 (Chair), Bobby Badeaux - District 1, Dale Bourgeois - District 2, Christopher J. Williams, Ph.D.- District 3, Louis C. Benjamin, Jr. - District 4, Lenwood Broussard - District 5, Bruce Conque - District 6, Marc Mouton - District 7

ABSENT: Rob Stevenson - District 8 (Vice Chair)

COUNCIL STAFF: Norma Dugas (Clerk of the Council), and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Pat Ottinger (Legal Counsel), Becky LaLumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Chief Ronald Boudreaux (Police Department), Eleanor Lilly (Interim Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Tom Carroll (Interim Public Works Director), Tony Tramel (Director of Transportation)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of January 27, 2004 to order and welcomed all present.

(TAPE 1)(SIDE A)(013) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(024) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT**

No report.

ORDINANCES FOR FINAL ADOPTION – ZONING

(TAPE 1)(SIDE A)(028) AGENDA ITEM NO. 4: O-001-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Dawn S. LeBourgeois and Cynthia C. LeBourgeois, Case No. Z2003-020 LeBourgeois Property Rezoning, located generally east of Kaliste Saloom Road and north of South Beadle Road, from R-1-A (Single-Family Residential) to B-G (General Business), motion to adopt by Williams, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard

NAYS: None

ABSENT: Stevenson

RECUSED: None

Motion was unanimously approved.

Eleanor Bouy, Interim Planning, Zoning & Codes Director, explained that this is an acre and a half tract of land in an unusual location and not visible from the road. This property was subdivided many years ago in what is now considered landlocked. It’s immediately behind the Fontana Center on Kaliste Saloom Road. Access to the property is through the Fontana Center. The land holds a home and an animal-grooming establishment. The LeBourgeois Family would like to rezone from R-1-A to B-G. The staff and Commission are recommending approval of the rezoning.

The following individual was recognized:

Dawn LeBourgeois did not wish to comment.

(TAPE 1)(SIDE A)(066) AGENDA ITEM NO. 5: O-002-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify

properties fronting the east side of Verot School Road between Fairview Parkway and Failla Road, Case No. Z2003-022 (CR) Fairview Parkway/Failla Road/Verot School Road Comprehensive Rezoning, located generally south of Fairview Parkway, east of Verot School Road, and north of Failla Road, from R-1-A (Single-Family Residential) to B-T (Transitional Business), motion to adopt by Williams, seconded by Conque, and the vote was as follows: YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard
NAYS: None
ABSENT: Stevenson
RECUSED: None
Motion was unanimously approved.

Bouy reported that this was a rezoning that PZC received by resolution of the Council. It is considered a comprehensive rezoning because it affects more than one property owner. The request is from R-1-A to B-T. The PZC staff and the Planning Commission consider this appropriate and recommend rezoning.

(TAPE 1)(SIDE A)(110) At this point, Mr. L. T. “Butch” Dupre was recognized. Mr. Dupre announced his candidacy for State Senate in District 45.

APPEAL

(TAPE 1)(SIDE A)(140) AGENDA ITEM NO. 6: Consider the appeal of the Planning Commission’s decision to require the construction of a left turn lane on E. Broussard Road. (Redd Cove, Red Court and Redd Estates Development). *Item deferred until February 25, 2004.*

REPORTS AND/OR DISCUSSION ITEMS

(TAPE 1)(SIDE A)(142) AGENDA ITEM NO. 7: Update on Langlinais Road drainage.

Tom Carroll, Interim Public Works Director, reported that LCG currently has 600 feet south of Langlinais Road with existing easements. A farmer, who leases the property, has been opposed to the cleaning. It has reached a point now where the owner says to clean it and he will take care of the farmer. There is a two-foot plug in the 600 feet so if the 600 feet can be cleaned, that should provide immediate relief. The work can be scheduled within the next 90 days.

He continued that further south there are some rights of way issues, a State crossing (which the State thinks is adequate) and Bayou Parc Perdue. Carroll then offered to meet with Councilmembers in the field to discuss resolution to problems.

Menard then requested that the minutes of this meeting be sent to the residents in the specific areas discussed.

Stanley stated that he had spoken to several councilmembers, the Council Clerk and the Directors and they do not have any problem with the public forum. However, if they can get the answers for the Council in a timely fashion then the Council meetings can be better used for issues that need to be done at a public forum.

(TAPE 1)(SIDE A)(235) AGENDA ITEM NO. 8: Update on Holiday Gardens drainage.

Menard began by giving the background to the Holiday Gardens issue. He stated there are no roadside ditches (they are all stopped up) and the residents believed there is an obstruction in a coulee that goes across Dan Melancon’s property. At that time, the Council suggested that the Drainage Ordinance be enforced and the previous Public Works Director told the Council they would do that. The next month he came before the Council and said he could not use the Drainage Ordinance. Menard then asked what has been done.

Carroll reported that this project has not progressed. He explained that, in the past, there seemed to be some hesitance in using the Drainage Ordinance because if anything is damaged during the process, LCG will be subject to monetary damages. This is always an issue whether LCG has a fund source or not.

Menard requested Carroll check to see what needs to be done to get this project moving.

The following individuals were recognized but did not wish to speak but support anything that can be done:

Winona Bernard

Virginia Prine

Jaywood Domingue

The following individual was then recognized:

Cornell Bodensteiner respectfully disagreed with Chair Menard's assessment of the Drainage Ordinance. He stated that it is not the number of years the coulee has been blocked but the amount of damage it has caused over the years.

Broussard stated that in his sixteen years on the Council he has asked Public Works and the Administration to use the Drainage Ordinance in such a way where it doesn't put LCG into a monetary situation. There is a situation in District 5 that fits the criteria perfectly. He felt it was wrong not to use the ordinance. A project should not be held up for one individual. He then asked Legal Counsel to look into this situation. Durel asked for a tour of this area.

(TAPE 1)(SIDE A)(407) AGENDA ITEM NO. 9: Update on St. Pascal Road drainage.

Carroll reported that there has been considerable disagreement in what has and has not happened. The Public Works staff did not intend to pipe in the ditch; however, Mr. Chastant seems to think LCG would. He admitted that he had not seen the situation but stated he would go out as soon as possible and see what has not been followed up with.

Menard requested Carroll contact Mr. Chastant, tell him what LCG's position is (what can or can't be done), and then let him know, in no uncertain terms, that that's it.

(TAPE 1)(SIDE A)(448) AGENDA ITEM NO. 10 Update on coulee cleaning on Garber Road.

Carroll reported that Public Works is in the process of obtaining a Corps of Engineer's permit. Assuming that comes through, and necessary rights of way can be acquired, it could be scheduled in 2005. He added that there is a pipe downstream, through an oilfield service company, which is undersized. That issue may have to be brought up later.

Menard requested Carroll check to see if dirt was spread in Mr. Olivier's driveway and address that as well.

(TAPE 1)(SIDE A)(474) AGENDA ITEM NO. 11: Update on Bayou Parc Perdue.

Carroll reported that his staff felt it would be advantageous to remove the silt plug. However, in their meeting with the Corps recently, it appeared the Corps wanted to study this issue and LCG's portion of the study would be \$40,000, not including construction funding. In briefly reviewing the quadrangle map, he thought it would give relief and he will pursue it with Mayor Viator.

Menard requested Carroll address the concerns of the residents downstream.

(TAPE 1)(SIDE A)(549) AGENDA ITEM NO. 12: Update on Shenandoah drainage project.

Menard stated that this project had been budgeted for the past 7 years although the bid process was put off many times. He asked for a status.

Carroll reported that early in this project LCG was attempting to get funding from the State. That funding source has been lost. Recently, there have been discussions with F.E.M.A. and there is a possibility that they may fund this project. LCG has sent all the necessary documentation to F.E.M.A. and approval should be received very shortly. In the meantime, plans are coming along and research is now being done to find out if LCG has the prescribed easement and how much servitude would be needed.

Menard added that he believed the funding has always been in the budget for this project. If F.E.M.A. funding had been available, that would have been lagniappe. The project should not be delayed in any way because of that. He asked that Carroll check on this.

Mouton reminded that, eventually, the problem at Highway 90 would have to be addressed.

(TAPE 1)(SIDE A)(662) AGENDA ITEM NO. 13: Update on Brook hollow drainage.

Carroll reported that there have been right of way problems downstream. This may be an application for the Drainage Ordinance. There has been no final resolution with the pipeline company as questions are still going back and forth. He stated he would follow up on this project and report back.

Menard requested Carroll check with the Right of Way Agents to make sure all affected residents have been contacted in person instead of by phone.

(TAPE 1)(SIDE A)(704) AGENDA ITEM NO. 14: Discuss St. John Street improvements.

Williams expressed concern upon receipt of a letter from Public Works (dated December 9, 2003) pulling \$600,000 from an ongoing St. John Street Improvements project. In attending meetings regarding this project, the funds were never in question and it was a priority in the Overlay Program.

Carroll explained that the initial plan was to overlay the entire street; however, this would be a multi-million dollar project. The Public Works Operations staff has also found slab repairs need to be done, a lot of joint sealing, etc. This has been put back in the program but it has been placed in much later years.

Williams requested that the Clerk review the records and obtain transcripts of the promises that were made. This would allow President Durel and CAO Stanley to have the background information as to the original appropriation, what it was made for, why it was taken out, the promises that was made when it was taken out and ending with the communication saying that there is no funding for the project. He then reiterated that this was put in the budget as a street overlay, there were some pending issues and it came back at a patch job. He offered that St. John is a major arterial for this city and asked that Public Works prepare to bring this project to final closure. He then asked the Administration to include this in the budget process as a priority.

Carroll rebutted that there were some funds for this project. He offered that Public Works would discuss this with the Administration and Council tomorrow.

(TAPE 1)(SIDE B)(046) AGENDA ITEM NO. 15: Discuss driveways at 3221 S. Fieldspan and 3143 S. Fieldspan. *Item was pulled by Councilmember Broussard.*

(TAPE 1)(SIDE B)(047) AGENDA ITEM NO. 16: Update on Noise Ordinance.

Councilmember Williams began by commending Melancon on this initiative.

Tim Melancon gave the following Noise Violations Report:

The following report is a comparison of noise citations from May 23, 2003 (The start date when noise code changed back to criminal) through December 31, 2003 and the same time period prior to change:

Criminal: Total number of citations May 23, 2003 through December 31, 2003 = 512
Total also reflects 75 citations for modified muffler.
Civil: Total number of citations May 23, 2002 through December 31, 2002 = 258
• **100% increase**

During the time the ordinance was under the civil code: approximately 50% of citations were paid, 5% compromised or dismissed, and 45% uncollected.

Since changing to criminal code: 58% pled guilty or found guilty, 5% dismissed, 12% Bench warrant or Driver's License Forfeiture, 25% cases still pending in court.

Number of Citations issued by Council District, May 23, 2003 through December 31, 2003:

District 1 – 39; District 2 – 2; District 3 – 156; District 4 – 169; District 5 – 4; District 6 – 75; District 7 – 36; District 8 – 31; and District 9 – 0

% of Violations by Type: Broadcast Vehicles 80%; Modified muffler 15%; Loud music from homes or business 4%; Barking Dogs .7%; Refuse collection .3%.

<u>By Race</u>	<u>By Sex</u>	<u>Count</u>
Asian	M	1
Black	F	12
Black	M	277
Hispanic	M	1
Other	M	5
White	F	17
White	M	199

During Calendar year 2003, there were 201 sound variance permits issued. (Wedding reception, concerts, birthday parties, reunions, construction projects)

Problem Areas: 1) After-hour club, early morning commercial trash collection and store deliveries, and 2) Training more officers and deputies to use the sound meter.

Upon questioning by the Council, Melancon offered that there have been saturation patrols for noise. Major Craft offered that since October or November, there have been operations where they pay over-time to off-duty officers, one operating an unmarked vehicle and one operating a marked vehicle. The statistics are then forwarded to Tim Melancon. There are approximately 30 of 200 officers qualified to operate the noise meters. Conque stated that the main problem is the after-hour clubs. He asked Major Craft when a solution would be forthcoming. Craft answered he would be meeting with the Police Chief on several different approaches and possibly within the next 30 days he could report back.

(TAPE 1)(SIDE B)(263) AGENDA ITEM NO. 17: Recognize Merry Fletcher regarding noise violations.

Mrs. Fletcher, resident of Eastlane Drive, addressed the Council regarding noise violations coming from the Grand Marche shopping center. She listed the major sources of the noise as: 1) Parking lot sweepers owned by Ladybug's Parking Lot Sweeping, Inc. and leaf blowers; and 2) 18-wheelers connecting and disconnecting trailers delivering to Academy Store; and 3) BFI and Waste Management dumpster slamming. All are done in the middle of the night. She added that she has been working with the Police Department and Tim Melancon to reduce the noise. They call BFI and Waste Management and the noise subsides for a short time and then it starts again. She relayed several incidents, with dates and times, of violations of the noise ordinance. She then suggested the following solutions: 1) change the 5:00 a.m. stipulation for dumpster collection to 7:00 a.m.; 2) make it a clear violation of the noise ordinance for company 18-wheeler trucks to awaken people at 5:30 a.m.; 3) install signage in these parking lots clearly stating time stipulations would be strictly enforced; 4) train police officers, and hold them accountable, for their own in-service and training so they will be familiar with the noise ordinance; and 5) make it clear that violations of the noise ordinance are criminal and not civil.

Menard requested a copy of Mrs. Fletcher's statement in order for the Council, Legal and Tim Melancon to review and make recommendations. He recommended that Chief Boudreaux consider using reserve officers to enforce the noise ordinance. Craft stated that his officers had been instructed not to issue any more warnings but to issue citations on delivery trucks. He offered Ms. Fletcher his name and number to use if she did not get the service she had requested.

Mouton recommended a letter, with a copy of the noise ordinance, go out to the storeowners and parking lot vendors from the City-Parish Attorney. The letter should also advise that there would be "zero" tolerance on this issue. President Durel offered that if Tim Melancon were to draft the letter citing the specifics of the violation, he would sign it.

(TAPE 1)(SIDE B)(593) AGENDA ITEM NO. 18: Update on the new golf course. *Item deferred by Williams until April 27, 2004.*

(TAPE 1)(SIDE B)(593) AGENDA ITEM NO. 19: Update on Wheels Park. *Item deferred by Williams until April 27, 2004.*

(TAPE 1)(SIDE B)(593) AGENDA ITEM NO. 22: Update on Rental Inspection Initiative. *Item deferred by Williams until April 27, 2004.*

(TAPE 1)(SIDE B)(598) AGENDA ITEM NO. 20: Update on ACTION Unit changes and efficiencies.

Major Randy Simon, LPD, reported that since the December 23, 2003 meeting, the A.C.T.I.O.N. Unit has been reorganized into two squads of 6 officers and a field supervisor each. Each squad follows 2 shift rotations. By the end of April, one officer will be added to each squad. The squads will be placed in the Metro Narcotics Division. He then listed a number of arrests made by the A.C.T.I.O.N. Unit in the last month.

Williams requested the following:

- Categorizing of the arrests since November 1, 2003 (similar to the way it was done in the noise violation report), and demographic information, along with affidavit numbers. Also, by charges and arrests.
- That "Update on A.C.T.I.O.N. Unit changes and efficiencies" is included on every 4th Tuesday agenda.
- That follow-up letters be sent to Sheriff Neustrom and District Attorney Mike Harson regarding previous request of monthly reports on aggressive prosecution of drug related crimes.

Upon questioning by Williams, Boudreaux stated that the A.C.T.I.O.N. Unit was still working out of the Clifton Chenier Center and the Mission Statement had not changed. Williams then expressed concern about citations being issued equally in all areas of the City or only in the areas of District 3 and District 4 or where street-level drugs are sold. He urged the officers to maintain the concept of Community Policing and respect for the citizens. Boudreaux stated that Williams' concerns were noted and added that the citizens can't have it both ways. People can't complain and say there are drug problems and then when the police officers try to enforce the law, say they are targeting minorities. It's the minority neighborhoods that are calling with reference to drug problems.

Williams stated that several months ago, Sheriff Mike Neustrom, District Attorney Mike Harson and Chief Ronnie Boudreaux were requested to provide to the Council monthly reports on how many people were arrested as it related to the solicitation of drugs in these drug hotspots. The Clerk stated that Chief Boudreaux had sent in his report. Williams requested that a second communication go out to the District Attorney and the Sheriff. He then announced that this issue would be placed on the agenda every month.

The following individual was recognized:

Jeffrey Landry was recognized with regard to the Community Policing and profiling, again suggested the Citizen Investigating Panel.

(TAPE 2)(SIDE A)(462) AGENDA ITEM NO. 21: Status of non-payment of garbage fees of residents in unincorporated areas.

Pat Ottinger, City-Parish Attorney, stated he spoke to B.F.I. and, at inception of the contract, there was approximately 2,200 individuals, who were delinquent for longer than 90 days. The number is now down to the 867, who are 90 days or greater. The District Attorney is being sent approximately 50 of these per month and is proceeding with them. People have a tendency to pay when they're brought to task with it.

Upon questioning by Bourgeois, Logan explained the disparity in the garbage fees in the City vs. the Parish. In the City, the garbage fee is attached to the utility bill so if they don't pay their garbage fee, their electricity is turned off. In the rural area, there is no such mechanism and the bill is sent by B.F.I. Bourgeois disagreed that one disconnects services and the other one is criminal charges. This point will have to be more closely looked at during renegotiations of the contract. Logan rebutted that there are very few non-pays in the City. This seems the only way to bill for garbage collection at the time. Benjamin concurred with Logan.

The following individual was recognized:

Jeffrey Landry also concurred with Councilmember Bourgeois and stated this needed to be looked at again at renewal of the contract with B.F.I.

(TAPE 2)(SIDE B)(027) AGENDA ITEM NO. 23: Update by Chief Boudreaux on the Bentley investigation.

Boudreaux began by stating that because of unsubstantiated allegations he felt compelled to speak. He reported the sequence of events that led up to the death of George Bentley, III, on July 12, 2003. He noted that State rules and regulations require a citation be issued to a person causing an accident under the influence. George Bentley, Jr. asked to meet with him and basically felt LPD was wrong and that mistakes were made. Mr. Bentley also went before the Fire & Police Civil Service Board twice and before the Council twice claiming a cover-up. Chief then stated that the results of the investigation would remain the same. He then gave the facts. Bentley, III, consumed alcohol prior to the accident. At the accident, Officer Haydel detected an odor of alcohol from Bentley, III. Using a passive alcohol sensor, the officer obtained a reading in the red zone (the highest rating on the scale). La. R.S. 32:661 – 699 requires testing of persons involved in major traffic crashes where serious injury or death has occurred. State statute requires the completion of that form prior to the drawing of blood. The citation is part of that form. A report from Legal Counsel indicates that the proper procedures were followed.

Menard stated the Council did not allege it was a cover-up. Based on a certain sequence that was relayed to the Council, it made it appear as though there was a cover-up.

The following individuals were recognized:

George Bentley, Jr., refuted the police report saying the report was incorrect and many issues within the report were false.

Jeffrey Landry concurred with Mr. Bentley and, again, called for a Citizen Investigation Panel.

(TAPE 2)(SIDE B)(387) Added Item: Williams inquired about a waiver for a mobile home in the city limits due to a medical hardship on Benton Drive.

Eleanor Bouy, Interim PZC Director, explained that a neighbor questioned whether the resident, who received the medical hardship waiver in 1995, still lived there, but they were still retaining the mobile home. If true, they would have lost their variance to keep the mobile home in the city. She met with the family and, in fact, received medical notification from Dr. Granger and proof that the resident had moved in 1995 and has always lived there. She then recertified the hardship variance (a medical hardship and a doctor submit a letter indicating same).

Bourgeois commented Bouy for the way this was handled. There was no lapse in time and the individuals were able to keep their home.

After much discussion, Bouy agreed to revamp the ordinance and present it to the Council in 30 days.

COMMENTS FROM THE PUBLIC

(TAPE 2)(SIDE B)(501) AGENDA ITEM NO. 24: Comments from the public on other matters.

Sarah Begnaud addressed the Council regarding noise and vibrations from 18-wheelers passing in front of her home. No enforcement was the biggest problem.

Shelby Williams stated that not all speakers were treated equally when addressing the Council. Some were allowed to speak longer than others. He complained that \$1,800,000 could be allocated for the new golf course but no funds were allocated to pick up downed trees from Hurricane Lili.

Cindy Brasseaux addressed the Council regarding the value of her home. When purchased several years ago, the property was valued at \$45,000. In the past couple of years, \$20,000 was spent on repairs. Two weeks ago, when applying for a home improvement loan, the home was valued at \$37,000 by the Parish Assessor. The bank felt the value should have been greater.

Wallace Senegal thanked the Council for removal of a tree on St. Antoine.

Jeffrey Landry requested that President Durel review the Home Rule Charter; consider the creation of the Citizen Review Board to hear complaints filed against Police Officers and to revise the system of awards for contracts.

ADJOURN

(TAPE 3)(SIDE A)(339) There being no further business to come before the Lafayette City-Parish Council, Chair Menard declared the Regular Council Meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL